

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)
Plaintiff/Petitioner,)
)
)
v.) 2:13-cv-119
)
WARDEN M. PUGH, et al.,)
Defendants/Respondents)

MEMORANDUM ORDER

Frederick Banks, a federal inmate at the Northeast Ohio Correctional Center, has presented a barely intelligible complaint/petition which he seeks leave to prosecute in forma pauperis. In the complaint/petition Banks appears to be alleging that he is presently illegally in federal custody and that his rights as a Native American and as a Wicca have been violated. As a result of his incarceration he appears to be seeking both his release and damages ("wherefore, the foregoing Petition and Complaint should be granted. Banks should be immediately released from unlawful confinement along with all other requested and appropriate relief"). Named as defendants are all three branches of the Government of the United States, i.e. the President, the Senate and House of Representatives, and the Supreme Court, as well as various officials of all three branches and members of the Pennsylvania government and various news media. In support of the present application, Banks has not submitted any supporting documentation making it impossible to determine whether or not he is eligible for such status. 28 U.S.C. §1915. Additionally, for ease in comprehending prisoner filings this Court has adopted appropriate forms for submission in §2241 cases (habeas corpus) as well as §1983 cases (civil rights/Bivens actions). None of these has been completed and as a result we are totally unable to ascertain the merits or lack thereof of the plaintiff/petitioner's allegations.¹

¹ Although at this juncture, it is readily apparent that most if not all of the named defendants/respondents are either entitled to immunity or that suit against them is patently frivolous. In addition, we observe that in all likelihood Banks is barred from filing a §1983 complaint in that he already has three strikes and for this reason it would appear that he is attempting to circumvent the three strike rule by labeling what should be considered a civil rights complaint as a mandamus petition.

Additionally, the plaintiff/petitioner is informed that if he desires to submit a habeas corpus petition or a civil rights complaint, he would be well advised to submit it on the forms adopted by this Court accompanied by the appropriate filing fee or documented application for leave to proceed in forma pauperis.

Therefore, IT IS ORDERED this 25th day of January 2012, that the Clerk of Court mark this case closed without prejudice, and

IT IS FURTHER ORDERED that if he desires to proceed with any or all parts of this litigation, Banks submit his claims on the forms adopted by this Court accompanied by the appropriate filing fee or documented forma pauperis application.

s/ Robert C. Mitchell
United States Magistrate Judge